

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1772 OF 2017***

Mr. Sntosh Minanath Salve	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

WITH
CRIMINAL APPLICATION NO. 985 OF 2017
(for interventiion)

Sadashiv Tryambak Kale	.. Intervenor.
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In the matter between : Santosh Minanath Salve	,,Applicant.s
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vs.	
The State of Maharashtra	..Respondent

Mr.Santosh P. Khopade, for the applicant.
Ms.Prabha Badadare for the intervener.
Ms. Anamika Malhotra, APP, for the State.

***CORAM : SMT. SADHANA S.JADHAV, J.
DATE : 14th December, 2017.***

P.C. :

1. Heard. This is an application under section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No.607 of 2017 registered at Bhadrakali Police Station, Nashik, for the offences punishable

under Sections 380, 427, 448, 452, 506, 504 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that one Sadashiv Kale lodged a complaint in the Court of Magistrate at Nashik, alleging therein that the cousin of the present applicant happens to be his daughter-in-law. There are matrimonial disputes between the parties. That according to the complainant, his elder daughter Jyoti Kale had harassed them and had issued a notice through the Advocate.

3. On 9.6.2017, they had left for Kalyan and at that time, accused No.1 i.e. Jyoti Kale and other had trespassed into their house i.e. in Flat No.B-9, Ashirwad Apartment, Shankar Nagar, Nashik and had committed theft of golden ornaments and cash. The complainant had allegedly approached the police, no cognizance was taken and therefore the complainant was constrained to file a complaint before the Court of Judicial Magistrate, First Class, Nashik.

4. The learned counsel for the applicant submits that the disputes between the parties have been blown out of proportion and the complainant has falsely implicated the present applicant. The original accused Nos. 1 to 5 were arrested and were in custody for more than 5 days.

5. The learned APP submits that in the supplementary statement, it is alleged that the present applicant had threatened the complainant of dire consequences.

6 The learned counsel for the intervener has also opposed the grant of relief in favour of the applicant and has submitted that the possibility of tampering of evidence at the behest of the present applicant cannot be ruled out and therefore, the applicant does not deserve to be granted pre-arrest bail.

7. Upon perusal of the papers of investigation and the submissions advanced across the Bar, no case for custodial interrogation is made out. Hence, the applicant deserves to be granted pre-arrest bail.

8. The above observations are prima facie in nature and shall not be influenced by the Sessions Judge while deciding the application for quashing, discharge application.

ORDER

(i) The application is allowed.

(ii) That In the event of his arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more

sureties in the like amount.

(iii) The applicant shall co-operate with the investigating agency and report to the Investigating officer as and when called.

9. The Intervention Application is heard, allowed and disposed of.

(SMT. SADHANA S.JADHAV, J.)